

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

## UNITED STATES DISTRICT COURT

for the

Northern District of California

Eureka-McKinleyville Division

Daniel Jackson Kisliuk

## Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

City of Fort Bragg  
Mendocino County Sheriffs Office  
Thomas O'Neal  
Tyler Baker

## Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

FILED (5)

JUN -6 2024

CLERK, U.S. DISTRICT COURT  
NORTH DISTRICT OF CALIFORNIA

RMI

CV 24 - 03440

Case No.

(to be filled in by the Clerk's Office)

Jury Trial: (check one) ☐ Yes ☒ No

## COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Non-Prisoner Complaint)

## NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Daniel Kisliuk		
Address	General Delivery		
	Fort Bragg	CA	95437
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Mendocino		
Telephone Number	707-409-0134		
E-Mail Address	shariafinancial@gmail.com		

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

**Defendant No. 1**

Name	City of Fort Bragg		
Job or Title <i>(if known)</i>			
Address	416 N. Franklin St.		
	Fort Bragg	CA	95437
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Mendocino		
Telephone Number	707-961-2823		
E-Mail Address <i>(if known)</i>			
<input type="checkbox"/> Individual capacity <input type="checkbox"/> Official capacity			

**Defendant No. 2**

Name	Mendocino County Sheriffs Office		
Job or Title <i>(if known)</i>			
Address	951 Low Gap Rd.		
	Ukiah	CA	95482
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Mendocino		
Telephone Number	707-463-4411		
E-Mail Address <i>(if known)</i>	civil@mendocinosheriff.org		
<input type="checkbox"/> Individual capacity <input type="checkbox"/> Official capacity			

## Defendant No. 3

Name	Thomas O'Neal		
Job or Title (if known)	Police Captain		
Address	250 Cypress St.		
	Fort Bragg	CA	95437
	City	State	Zip Code
County	Mendocino		
Telephone Number	707-961-2800 ext. 203		
E-Mail Address (if known)	toneal@fortbragg.com		
<input checked="" type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity			

## Defendant No. 4

Name	Tyler Baker		
Job or Title (if known)	Police Officer		
Address	250 Cypress St.		
	Fort Bragg	CA	95437
	City	State	Zip Code
County	Mendocino		
Telephone Number	707-961-2800 ext. 226		
E-Mail Address (if known)	tbaker@fortbragg.com		
<input checked="" type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity			

## II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

- ☐ Federal officials (a *Bivens* claim)
- ☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials? First amendment, fourth amendment, eighth amendment, fourteenth amendment.

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- D. Section 1983 allows defendants to be found liable only when they have acted “under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia.” 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

Captain Thomas O'Neal and Tyler Baker are actively employed by Fort Bragg Police Department & violated my constitutional rights in the course of their official duties. The City of Fort Bragg and Mendocino County Sheriffs Office are both branches of the California government and caused my constitutional rights to be violated.

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### III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?  
Fort Bragg, California.
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- B. What date and approximate time did the events giving rise to your claim(s) occur?  
12:30PM on November 1 of 2023, 1:15PM on November 7 of 2023.
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- C. What are the facts underlying your claim(s)? (*For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?*)

Captain Thomas O'Neal and Tyler Baker fabricated a false call for service claiming my cat was injured, as part of a plot to cause emotional distress and draw me away while they towed my vehicle, which was legally parked and contained all my belongings. Officers knew this would cause me emotional distress due to prior calls for service regarding people torturing and killing cats. When I returned & expressed my frustration at the fact they had made up the story about my cat in order to tow my car without warning, I was arrested. An article of my religious property was thrown away & my car keys were unlawfully seized by Captain O'Neal during the arrest. Later, after I had been released on bail, O'Neal arrested me again while i was recording. He alleged I had violated a vehicle code despite the fact I was walking & had no vehicle. I was jailed on a false pretense that I violated bail. This assertion resulted in unlawful detention. Mendocino County Sheriffs Office then refused to release me after I posted bail, alleging there was a hold on me when there wasn't. I have made multiple legitimate complaints to the Fort Bragg Police Department and the City of Fort Bragg regarding O'Neals flagrant disregard for my constitutional rights, in particular the fourth amendment. Fort Bragg Police Department & the City of Fort Bragg rejected all claims, causing officers of Fort Bragg Police Department to continue violating my constitutional rights.

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#### **IV. Injuries**

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

I suffered a mental & emotional breakdown as a result of Officers O'Neal & Bakers actions. I then contracted a sickness during my unlawful detention at Mendocino County Sheriffs Office, resulting in my hospitalization at Adventist Health in Ukiah. I lost access to my vehicle which contained all of my belongings, forcing me to purchase additional clothing & stay in a hotel for several days without access to my clean clothes. I required & still do require professional therapy as a result of these incidents, which I am not receiving due to my financial state.

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#### **V. Relief**

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I am asking the court to award me money damages in the amount of \$2,775,000. I am asking for \$2,500,000 in compensatory damages due to the fact I suffered severe mental & emotional trauma as well as contracting a physical sickness while in jail. I am asking for \$250,000 in punitive damages to ensure the officers are held personally accountable. I am asking for \$25,000 in actual damages due to the fact I spent roughly 24 hours in the custody of Mendocino County Sheriffs Office and had to pay \$1,000 to retrieve my vehicle from the tow.

**VI. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 6/5/2024

Signature of Plaintiff

Daniel Kisliuk

Printed Name of Plaintiff

Daniel Kisliuk

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

\_\_\_\_\_  
*City*

\_\_\_\_\_  
*State*

\_\_\_\_\_  
*Zip Code*

Telephone Number

E-mail Address